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FORT COLLINS, CO 80527-2400

EXAMINER

NGUYEN, QUANG N

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2141

DATE MAILED: 03/11/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/651,519

Applicant(s)

SAHAI ET AL.

Examiner

Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Detail Action***

1. This Office Action is in response to the Amendment A filed on 02/24/2004.

Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**3. Claims 1-2 and 11-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Angal et al. (US 6,064,656), herein after referred as Angal.**

4. As to claims 1-2, Angal teaches a method for obtaining information useful for management of a composite e-service, comprising the steps of:

generating a set of management information for each of a set of service interactions among a set of e-services in the composite e-service (at each server, the responses generated by requests and sub-requests are determined), the e-services arranged in a tree structure including one of the e-services (the MIS 150 of Fig. 3) that provides a portal to the composite e-service (Angal, C12: L65-67 and C13: L1-5);

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transferring the sets of management information up the tree structure to the e-service (at each server, the responses generated by requests and sub-requests are determined and sent back to the MIS) that provides the portal and combining the management information at each of a set of levels of the tree structure (the response combining operation is performed first at each server where the request or sub-request is processed, and again at the MIS for those requests that are partitioned into sub-requests) (Angal, C6: L44-51, C7: L9-22 and L60-63 and C13: L52-63).

5. Claims 11 and 12 are corresponding composite e-service claims of method claims 1 and 2; therefore, they are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 3-4 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angal, in view of McCollum (US 6,427,168).**

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8. As to claims 3-4, Angal teaches the method of claim 1, but does not explicitly teach that each set of management information is contained in a management object having the form of an XML document.

In the related art, McCollum teaches a method for communicating management information via COM (Component Object Model) and/or DCOM (Distributed Component Object Model) by invoking methods of objects over an underlying protocol such as TCP or any suitable interprocess communication mechanism such as XML/CIM over HTTP (McCollum, C5: L5-21).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Angal and McCollum to have the management information contained in a management object as an XML document because such methods were conventionally employed in the art wherein DCOM, XML/CIM and HTTP are well-documented and it would provide the system the flexibility to communicate management information over the network using XML object (as any protocol capable of passing object information maybe used) to perform network performance monitoring.

9. Claims 13 and 14 are corresponding composite e-service claims of method claims 3 and 4; therefore, they are rejected under the same rationale.

**10. Claims 5-10 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angal, in view of Hoang (US 6,459,700).**

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11. As to claim 5, Angal teaches the method of claim 1, but does not explicitly teach the step of combining the management information using an indicator carried in each set of management information that identifies a service interaction between a client and the portal.

In the related art, Hoang teaches each management information object is accessed or otherwise referenced using a corresponding object identifier "OID" (i.e., an indicator), which comprises a sequence of integers for traversing the successive nodes of the tree structure (i.e., identifying the service interaction between a client and the portal) (Hoang, C22: L40-44).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Angal and Hoang to use an indicator (i.e., an Object Identifier) carried in each set of management information to identify a service interaction between a client and the portal because such methods were conventionally employed in the art wherein management information objects are accessed or referenced using a corresponding object identifier and it would allow the system to identify and process the correct information as specified/requested in network performance monitoring.

12. As to claims 6-10, Angel-Hoang teaches the method of claim 1, wherein the management information includes a time taken, an indication of errors, costs, security violations and resource usage in the corresponding e-service while servicing a corresponding request (Hoang, C22: L60-63).

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13. Claims 15-20 are corresponding composite e-service claims of method claims 5-10; therefore, they are rejected under the same rationale.

### ***Response to Arguments***

14. In the remarks, applicant argued in substance that

(A) Prior Art does not teach generating management information for service interactions among e-services in a composite e-service as claimed in claim 1.

As to point (A), **Angal** teaches the Management Information Server "MIS" 150 (portal server) receives all management object access requests 120, and distributes each request, or portions of the request, to a set of auxiliary server 152 (arranged in a tree structure 170), wherein each server 150 and 152 performs both access control functions and the request response gathering functions (using a request response combining procedure 178 for merging the responses generated by various servers to each distinct access request and returns a single, combined response to the initiator). The access sub-request responses (i.e., the management information) generated by all the servers are collected by the MIS 150 and returned together to the requesting user or application (**Angal**, C6: L44-51, C7: L9-22 and L60-63). **Angal** also teaches the network management objects 106 of Fig. 1, arranged in a tree structure, can be virtually any type of computer-implemented network (i.e., implemented as a composite e-service network). Hence, **Angal** does teach generating management information for service interactions among e-services in a composite e-service as claimed in claim 1.

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(B) Prior Art does not disclose transferring sets of management information up a tree structure of a composite e-service as claimed in claim 1.

As to point (B), **Angal** teaches each server 150 and 152 performs both access control functions and the request response gathering functions (using a request response combining procedure 178 for merging the responses generated by various servers to each distinct access request and returns a single, combined response to the initiator). If an access request has target objects in the portions of the management object tree that are serviced by more than one server, the access request is split into access sub-requests by the MIS 150 and sent to the appropriate auxiliary servers 152. The access sub-request responses generated by all the server are collected by the MIS 150 and returned together to the requesting user or application (**Angal**, C6: L44-51, C7: L9-22 and L60-63, and C13: L52-63). Hence, **Angal** does teach transferring sets of management information up a tree structure of a composite e-service as claimed in claim 1.



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15. Applicant's arguments as well as request for reconsideration filed on 02/24/2004 have been fully considered but they are not deemed to be persuasive.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER